

**Palm Beach County
Transportation Disadvantaged
Local Coordinating Board**

FY 2019 Grievance Procedures

**Approved by the TDLCB
September 25, 2018**

FY 2019 TDLCB Grievance Procedures

ARTICLE 1: PREAMBLE

Section A: Preamble

The following sets forth the grievance procedures that shall serve to guide the Palm Beach County Transportation Disadvantaged Local Coordinating Board, serving to assist Palm Tran Connection, the Community Transportation Coordinator. The intent is to provide procedures and policies for fulfilling the requirements of Chapter 427, Florida Statutes (FS), Rule 41-2, Florida Administrative Code (FAC), and subsequent laws setting forth requirements for the establishment of grievances or complaints from agencies, users, potential users, subcontractors, and other interested parties.

ARTICLE 2: DEFINITIONS, NAME, LEGAL STATUS, AND PURPOSE

Section A: General Definitions

Commission for the Transportation Disadvantaged (also known as the "Commission"): an independent state agency created to accomplish the coordination of transportation services provided to the transportation disadvantaged population.

Community Transportation Coordinator (also known as the "CTC" or "Coordinator"): a transportation entity recommended by the appropriate planning agency as provided for in Section 427.015(1), Florida Statutes, and approved by the Commission, to ensure that coordinated transportation services are provided to serve the transportation disadvantaged population in a designated service area.

Designated Official Planning Agency (also known as the "DOPA"): the official body or agency designated by the Commission to fulfill the functions of transportation disadvantaged planning in areas not covered by a Metropolitan Planning Organization (MPO). The Metropolitan Planning Organization shall serve as the planning agency in areas covered by such organizations.

Local Coordinating Board (also known as the "LCB"): advisory entity in each designated service area composed of representatives appointed by the Metropolitan Planning Organization or DOPA, to provide assistance to the community transportation coordinator relative to the coordination of transportation services.

Metropolitan Planning Organization (also known as the "MPO"): organization responsible for carrying out transportation planning and programming in accordance with the provisions of 23 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f)(3).

Transportation Disadvantaged (also known as "TD"): those persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are disabled or high-risk or at-risk as defined in Section 411.202, Florida Statutes.

Transportation Operator: one or more public, private for profit, or private non-profit entities contracted by the Community Transportation Coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated transportation service plan.

Section B: Definition of Service Complaint and Formal Grievance

Service Complaint: Service complaints are routine incidents that occur on a daily basis. They are reported to the driver, dispatcher, or to other individuals involved with the daily operations of the CTC, and are resolved within the course of a reasonable time period. Service complaints may include but are not limited to: late trips, no-show by transportation operator, no-show by client, client behavior, driver behavior, passenger discomfort, and service denial.

Formal Grievance: A formal grievance is a written complaint by the grievant documenting any concerns or an unresolved service complaint regarding the operation or administration of TD services by a transportation operator, CTC, DOPA or LCB. A grievance may include but is not limited to: chronic, recurring, or unsolved service complaints, violations of specific laws governing TD services, contract disputes, coordination disputes, agency compliance, conflicts of interest, supplanting of funds, and billing or accounting procedures.

Section C: Name

The name of the subcommittee to hear grievances or complaints for the Palm Beach County TDLCB shall be the "Grievance Subcommittee".

Section D: Legal Status of Subcommittee

The LCB is an advisory body. It is established in section 427.157, FS, to advise the Commission and the CTC about local concerns and issues. Florida Statutes define an advisory body as: a body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives. The Grievance Subcommittee may make recommendations to the LCB regarding Formal Grievances.

Section E: Purpose

The purpose of the Grievance Subcommittee is to process and investigate unresolved grievances from agencies, users, transportation operators, potential users of the system and the CTC, and make recommendations to the LCB or to the Commission for improvement of service. The Grievance Subcommittee does not possess adjudicative or determinative powers.

ARTICLE 3: MEMBERSHIP, APPOINTMENT, TERMS OF MEMBERS

Section A: Membership

The Grievance Subcommittee shall be comprised of a minimum of three (3) voting members of the LCB. The Subcommittee shall elect a Chair.

Section B: Appointment

Members shall be appointed to the Grievance Subcommittee by the LCB Chair. The LCB Chair reserves the right to make reappointments to the Subcommittee should any conflicts of interest arise. Planning staff serve as facilitators to the grievance process but do not serve on the Grievance Subcommittee.

Section C: Terms of Members

Members of the Grievance Subcommittee shall serve at the pleasure of the LCB Chair for the duration of the grievance for which they are appointed. Members of the Subcommittee may be removed for cause by the LCB Chair.

Quorum shall be a simple majority. Meetings shall be held at such times as the Subcommittee may determine and/or as necessitated by the grievance procedure.

ARTICLE 4: Resolution Process

Section A: Complaint Procedure

1. The CTC records all complaints that come from agencies, users, transportation operators, and potential users of the system, through email, phone calls, social media, letter, and in-person and determines to whom the complaint should be directed for research and resolution via the Customer Complaint Department.
2. When a complaint is received, the person filing the complaint is interviewed and the information collected is recorded in the CTC's customer service system.
 - a. If the complaint is safety related, it is forwarded to the Contract Compliance Supervisor who must respond within 24 hours.
 - b. If the complaint is not safety-related, the applicable Contractor must respond with 48 hours.
 - c. On-time performance complaints are reviewed by the Service Supervisor for scheduling or a dispatch error.

3. CTC staff investigates complaints by reviewing on-board recorded videos, interviewing other riders that were also on-board the vehicle during the incident, reviewing software system notes, reviewing the driver's manifest, and interviewing the driver.
4. Following the investigation, complaints are ruled as valid, not valid, documented, excused, or LQD (liquidated damages). All complaints remain on the Driver's record regardless of resolution.
5. The CTC reviews all Contractor responses to complaints and is the final arbiter as to whether or not complaints have been adequately resolved by the Operator.
6. The party is notified of the resolution of the complaint via postcard or by letter, as applicable.
7. If the CTC is unsuccessful at resolving the complaint through the process outlined in Section A or the party is not satisfied with the resolution, the party may follow the Formal Grievance procedure outlined in Section B.

Section B: Formal Grievance Procedure

The LCB Formal Grievance procedures are:

1. The party shall have ten (10) working days from the date on the CTC's resolution of the complaint to decide if the proposed resolution is agreeable.
2. If the party is not satisfied with the outcome, they may submit a written request for a Formal Grievance. The grievance shall be sent to:

Palm Beach Transportation Planning Agency
Local Coordinating Board Grievance Subcommittee
2300 North Jog Road, 4th Floor
West Palm Beach, FL 33411

The written grievance must contain the following:

- a. Name and address of the grievant;
 - b. Statement of the grounds for the grievance supplemented by supporting documentation, made in a clear and concise manner; and
 - c. Explanation by the grievant of the improvements needed to address the complaint.
3. Upon receipt of a Formal Grievance, the DOPA shall have ten (10) working days to contact the grievant via telephone, mail, or e-mail to indicate that the Formal Grievance is sufficient and that it has been filed or additional information is necessary to file the grievance.
 4. The DOPA shall arrange a meeting between the involved parties in an attempt to assist them in reaching a desirable solution. The meeting shall take place within fifteen (15) working days of the filed date of the Formal Grievance. The DOPA shall prepare a report regarding the meeting outcome which shall be sent to the Grievant and the Grievance Subcommittee Chair within ten (10) working days of the meeting.

5. If the Grievant is not satisfied with the proposed resolution outlined in Step 4, the Grievant may request a hearing by the Grievance Subcommittee.
6. The DOPA shall have ten (10) working days to contact the Grievance Subcommittee members and set a future grievance hearing date and location. The Grievant and all involved parties shall be notified of the hearing date and location at least five (5) working days prior to the hearing date. All Grievance proceedings shall be held at a publically noticed meeting. The Grievance Subcommittee will follow a meeting agenda in accordance with the procedures herein set forth:
 - a. Call to Order;
 - b. Presentation of Grievance
 - i. Shall also include witnesses if applicable, and
 - ii. Response of concerned parties, which shall include witnesses, if applicable;
 - c. Discussion of Grievance;
 - d. Recommendation to the LCB; and
 - e. Adjournment.
7. Upon conclusion of the hearing, the Grievance Subcommittee shall submit a written report of the hearing proceedings to the Chair of the LCB within ten (10) working days. The report must outline the grievance and the Grievance Subcommittee's findings/recommendations. The report shall be forwarded to all LCB members.
8. The CTC may avail itself of the Formal Grievance Procedures as outlined in Section B.2. through B.7.

Section C: CTD Ombudsman Program

If the Grievant is not satisfied with the resolution by the Grievance Subcommittee, they may file a formal complaint with the State's Commission for the Transportation Disadvantaged Ombudsman Program via the contact information below:

By telephone:

(800) 983-2435 (toll-free) or (850) 410-5700

Hearing or speech impaired: 711 (Florida Relay System)

By mail:

Florida Commission for the Transportation Disadvantaged

605 Suwannee Street, MS-49

Tallahassee, FL 32399-0450

By e-mail:

CTDOmbudsman@dot.state.fl.us

The DOPA will maintain copies of their Grievance Procedures and reports will be made available to the Commission Ombudsman Program, upon request.

Section D: Document Accessibility

A copy of the Grievance Procedures shall be available to anyone upon request.

All documents pertaining to the Grievance Procedures will be made available, upon request, in a format accessible to persons with disabilities.

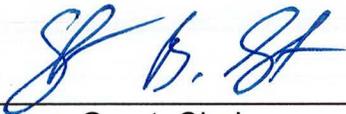
ARTICLE 5: AMENDMENTS

Section A: General

The Grievance Procedures may be amended by a majority vote of members present, if a quorum exists, providing the proposed change(s) is/are provided to all members at least seven (7) days in advance of the meeting.

ARTICLE 6: CERTIFICATION

The undersigned hereby certifies that he/she is the Chair of the Local Coordinating Board and that the foregoing is a full, true and correct copy of the Grievance Procedures of this Local Coordinating Board as adopted on the 29th day of August 2018.

Approved: 

Steven Grant, Chair
Palm Beach County Local Coordinating Board